

Prob12B
D/NV Form
Rev. June 2014

United States District Court
for
the District of Nevada

REQUEST FOR MODIFICATION
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER
Probation Form 49 (Waiver of Hearing) is Attached
February 21, 2017

Name of Offender: **Pablo Mauricio Gomez**

Case Number: **2:15-01156M**

Name of Sentencing Judicial Officer: **Honorable Peggy A. Leen**

Date of Original Sentence: **September 7, 2016**

Original Offense: **Operating Motor Vehicle Under the Influence of Alcohol and/or Drugs**

Original Sentence: **24 Months probation**

Date Supervision Commenced: **September 7, 2016**

PETITIONING THE COURT

To modify the conditions of supervision as follows:

1. **Alcohol Monitoring** – You shall submit to Alcohol Monitoring via Soberlink SL2 for a period of 30 days, as approved and directed by the probation officer. You shall pay 100% of the costs for alcohol monitoring (\$6.50 per day).

CAUSE

On September 20, 2016, Mr. Gomez was referred to Westcare, a U.S. Probation office contract provider for alcohol and drug testing services. On October 12, 2016, Mr. Gomez submitted a positive breath specimen for alcohol. He denied consuming alcohol and could not explain the positive alcohol test. He was directed to avoid using or consuming products that contain alcohol.

On February 17, 2017, Mr. Gomez reported to Westcare and submitted a positive breath specimen for alcohol. On February 21, 2017, Mr. Gomez met with Senior U.S. Probation Officer Scott Phillips to discuss his positive alcohol test. Mr. Gomez reported the positive alcohol test was due to using mouthwash which contained alcohol. This officer reminded Mr. Gomez that previously he was admonished for using products which contain alcohol. We discussed his DUI offense and previously testing positive for alcohol. We discussed in order to confirm his

RE: Pablo Mauricio Gomez

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sobriety; a Soberlink SL2 device was needed to enforce the Court's directives and associated testing costs. The utilization of this device will enhance our ability to monitor his alcohol consumption to mitigate risks and ensure total abstinence. The offender will be required to maintain this device on his person wherein he will be required to submit random test at various times throughout the day. A waiver of hearing was presented to Mr. Gomez to add the proposed condition for alcohol monitoring. As witnessed by his signature on the attached Waiver, Mr. Gomez agreed to comply with testing and waive formal hearings on the matter.

Respectfully submitted,



For

Brandon S. Phillips
2017.02.21 16:33:56 -08'00'

Jodona L Brown
United States Probation Officer

Approved:


Todd J. Fredlund
2017.02.21
16:30:48 -08'00'

Todd J. Fredlund
Supervisory United States Probation Officer

THE COURT ORDERS

- No Action.
- The extension of supervision as noted above.
- The modification of conditions as noted above
- Other (please include Judicial Officer instructions below):
Alcohol Monitoring - You shall submit to Alcohol Monitoring via Soberlink SL2 for a period of 30 days as approved and directed by the Probation Officer. You shall be responsible for the cost to the extent of your ability to pay.


Signature of Judicial Officer

February 28, 2017

Date

PROB 49
(3/89)

UNITED STATES DISTRICT COURT

District of Nevada

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

Alcohol Monitoring – You shall submit to Alcohol Monitoring via Soberlink SL2 for a period of 30 days, as approved and directed by the probation officer. You shall pay 100% of the costs for alcohol monitoring (\$6.50 per day).

Witness



U.S. Probation Officer

Signed



Pablo Mauricio Gomez

2/21/17

Date